

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

DARICK EASTERLING : CIVIL ACTION
:
v. :
:
COUNTY OF DELAWARE : NO. 23-5016

MEMORANDUM

Bartle, J.

June 12, 2025

Before the court is plaintiff's supplemental motion seeking an award of attorneys' fees and expenses under 42 U.S.C. § 12205 (Doc. #98).

The jury returned a verdict in favor of plaintiff on his claims for disability discrimination and failure to accommodate under the Americans with Disabilities Act, 42 U.S.C. §§ 12101, et seq., and the Pennsylvania Human Relations Act, 43 Pa. Stat. § 951, et seq. The court, after a non-jury trial, awarded back pay and front pay in lieu of reinstatement and entered judgment in plaintiff's favor in the amount of \$202,577.38. On May 22, 2025 the court granted in part plaintiff's motion for attorneys' fees and costs as the prevailing party. The award covered the period through the filing of plaintiff's motion for attorneys' fees on March 27, 2025. The present motion seeks an additional sum of \$19,747.50 for the period after April 2, 2025 when plaintiff's counsel prepared briefing in opposition to defendant's post-trial

motions and incurred \$649 in expenses for a copy of the trial transcript. The plaintiff prevailed as the court denied defendant's motions.

The court has reviewed the time sheets of counsel. Plaintiff's request includes not only the time his counsel spent in preparing the response to defendant's post-trial motions but also time counsel incurred in talking to plaintiff and in discussing settlement with defense counsel. Of the \$19,747.50 being requested, \$1,530 is for the latter. In this court's view, defendant should not have to pay the \$1,530 because it represents activity that played no role in the successful outcome of the action. The remaining time is reasonable as is counsel's hourly rate of \$750 which the court has previously approved. Accordingly, the court will grant plaintiff's supplemental motion in part and award plaintiff \$18,217.50 in attorneys' fees and \$649 in expenses for a total of \$18,866.50.